

### REMARKS

Claims 1 - 8 are in the application.

With respect to the objection to the drawings in the first paragraph on page 2 of the Office Action, the specification has been amended to remove reference number 26.

With respect to the objection to the drawings in the second paragraph on page 2 of the Office Action, submitted herewith are two Replacement Drawing pages which include revised Figs. 3 and 7. Specifically, reference number 14a has been deleted from Fig. 3 and added in Fig. 7. Applicants respectfully point out that the spring 14a is shown in Fig. 1 and is provided with the proper lead line.

Concerning the rejection of the claims under 35 U.S.C. 112, second paragraph, the Examiner will note that the claims have been amended to remove the language considered indefinite by the Examiner.

Reconsideration and withdrawal of the rejection of claims 1, 2, 4 and 7 under 35 U.S.C. 102(b) as being anticipated by either Koppenstein et al or Geiger et al, are respectfully requested.

Applicants respectfully submit that the references relied on by the Examiner do not disclose or suggest the present invention as claimed.

The reference to Geiger merely shows a lateral tensioning of the loose covering area in order to then achieve a sealing contact of a roof rim with the vehicle body. The force introduced during closing of the roof takes place in the horizontal direction transversely of the travel direction of the vehicle through a lever 22 which presses the covering outwardly and causes the resulting tensioning of the cords 24.

When opening the roof, on the other hand, only the pressure acting on the covering rim by an inward movement of the lever is reduced without exerting a force on the covering rim. No active influences on the covering rim occur; rather, the latter is folded in the same manner as it would be if the tensioning device disclosed by the reference were not shown. The teaching according to the reference to Geiger is not related to the opening of the roof, but to the closing of the roof and a description of the closing of the roof appears in column 3, line 40ff of the reference for opening the roof: "During folding of the roof .... the cord 24 is untensioned or relieved, whereby nothing now prevents lowering and folding or collapsing the roof cover."

However, the present patent application does not deal with influencing the closing; rather, the application deals with opening the roof: In accordance with the teaching of claim 1 of the present application, during the beginning of the opening of the roof, a force is to act on the roof covering line which is located in front of the tension bow in order to effect a forced defined folding. This can be easily seen, for example, in Figs. 7 and 8 of the present application by raising a connection to the tension cable. Accordingly, it is submitted that no changes were required in claim 1 in order to distinguish over the reference to Geiger.

However, Applicants respectfully submit that the language added to claim 1 further distinguishes the present invention over the art of record. The additions made to claim 1 are clearly illustrated and described in the specification, and, therefore, no new matter has been added.

In the reference to Koppenstein, stiffening elements 14, 16 are provided in the critical covering area which, together with doubling the covering 13, counteract a tight folding of this covering area while doubling the covering area. These are all no means for a forced folding, but they act against the folding. The wire cable 12 which is pulled through the device also untensions as soon as the tension bow is lifted.

The element which causes the folding action is a rubber band 15. However, this rubber band 15 does not act externally on the cover area but is integrally connected therewith. In addition, the covering area expands over time. The outer rubber band 9, on the other hand, counteracts this folding tendency of the rubber band 15; in other words, it does not exert a force in the sense of folding but a force which counteracts the folding. However, the rubber band is placed around the stir up and rubs against it which is specifically to be avoided by the invention.

Consequently, it is submitted that claim 1 as amended is patentable over the art of record.

Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.

Respectfully submitted,



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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on October 7, 2008.

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